



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, MARCH 3, 2011**

**Invocation:** Minister Sheryl Westwick, Red River Church

**The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 3, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Leffingwell called the Council Meeting to order at 10:05 a.m.**

**CONSENT AGENDA**

**The following items were acted on by one motion. No separate action occurred on any of the items.**

1. Approve the minutes of the Austin City Council special called meeting of February 16, 2011 and regular meeting of February 17, 2011.  
**The minutes from the special called Council meeting of February 16, 2011 and regular Council meeting of February 17, 2011 were approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
2. Approve issuance of a rebate to Leander I.S.D. for the installation of energy efficient equipment at Vandergrift High School in an amount not to exceed \$140,709. Funding is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy, Conservation Rebates and Incentive Fund. Recommended by the Resource Management Commission. To be reviewed by the Electric Utility Commission on February 28, 2011.  
**The motion to approve the issuance of a rebate to Leander I.S.D. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
3. Authorize execution of a construction contract with PRISM DEVELOPMENT, INC. (MBE/MH-35.18%), Austin, TX, for the installation of a masonry wall, 12 feet in height and 1,940 feet in length, around the perimeter of Austin Energy's Kingsbery Substation in an amount not to exceed \$316,015. Funding is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of good faith efforts with 35.18% MBE prime participation and 0.32% WBE subcontractor participation. To be reviewed by the Electric Utility Commission and the Design Commission on February 28, 2011.

**The motion authorizing the execution of a construction contract with Prism Development, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

4. Authorize execution of a construction contract with RESTEK, INC., Manchaca, TX for the Palmer Events Center Parking Garage Repairs in an amount of \$146,267. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Convention Center Department. Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 0.00% MBE and 14.19% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Restek, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
5. Authorize execution of a construction contract with SMITH CONTRACTING CO., Austin, TX for the Group 19 Phase 2 Street Reconstruction and Utility Adjustments Project, an ACCELERATE AUSTIN PROJECT, in the amount of \$2,399,964.50 plus a \$119,998.23 contingency, for a total contract amount not to exceed \$2,519,962.73. Funding in the amount of \$946,755.71 is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. Funding in the amount of \$1,573,207.02 is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) by meeting the goals with 7.12% MBE and 4.81% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract with Smith Contracting Co. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
6. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, Austin, TX for the Group 4A Montana Street & Felix Avenue Street Reconstruction & Utilities Adjustment Project, an ACCELERATE AUSTIN PROJECT, in the amount of \$897,034 plus a \$44,851.70 contingency, for a total contract amount not to exceed \$941,885.70. Funding in the amount of \$649,254.48 is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. Funding in the amount of \$292,631.22 is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. Lowest of four bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) by meeting the goals with 7.16% MBE and 2.47% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract with Smith Contracting Company was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
7. Authorize negotiation and execution of a professional services agreement with ZARA ENVIRONMENTAL, LLC, (WBE/FW- 100%), Manchaca, TX, for engineering services to collect and analyze subsurface drainage data near the Davis/Deer from Brodie to Corran Ferry project in an amount not to exceed \$225,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. Single source. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the negotiation and execution of a professional services agreement with Zara Environmental, LLC was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

8. Approve an ordinance amending the Fiscal Year 2010-2011 Neighborhood Housing and Community Development Office Special Revenue Fund Ordinance No. 20100913-002 to accept and appropriate \$1,027,000 in Program Income from the Community Development Block Grant (CDBG), Community Development Block Grant-Revolving Loan Fund, and the HOME grant for housing, community development, and grant administration programs. Funding in the amount of \$70,000 is projected in Community Development Block Grant Program Income; \$302,000 is projected in Community Development Block Grant Revolving Loan Funds; and, \$655,000 is projected in HOME Program Income in the Fiscal Year 2010-2011 Amended Operating Budget Neighborhood Housing and Community Development Fund.

**Ordinance No. 20110303-008 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

9. Approve a resolution authorizing the Urban Renewal Agency of the City of Austin to transfer the following property to the Austin Housing Finance Corporation for the development of mixed income residential housing: 1005, 1007, 1009, 1011, 1013, 1015, 1017, 1019, 1021 and 1023 Juniper Street, 1155, 1157 and 1159 Curve Street, 1154, 1156 and 1158 Waller Street (Block 17 - Tract II). Recommended by the Urban Renewal Board on September 29, 2010.

**Resolution No. 20110303-009 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Items 10 and 11 were pulled for discussion.**

12. Approve an ordinance amending City Code, Section 9-2-30, relating to decibel limits for outdoor music, and declaring an emergency.

**Ordinance No. 20110303-012 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

13. Authorize award and execution of a contract with FLINTCO INC., Austin, TX, for the design and installation of a thermal energy storage tank located at the Technicenter Plant, 4201 Ed Bluestein Blvd., in an estimated amount not to exceed \$537,000. Funding is available from the U.S. Department of Energy (DOE), as a result of the American Recovery and Reinvestment Act (ARRA) of 2009 for the grant period of December 28, 2009 to December 27, 2012. No match is required. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 1.58% MBE and 0.41% WBE subcontractor participation. Recommended by the Resource Management Commission. To be reviewed by the Electric Utility Commission on February 28, 2011.

**The motion authorizing the award and execution of a contract with Flintco Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

14. Authorize award and execution of a 12-month requirements service contract with GREATER TEXAS LANDSCAPE SERVICES., Austin, TX, or one of the other qualified bidders for IFB-BV No. TVN0054REBID, to provide grounds maintenance services in an estimated amount not to exceed \$81,675, with four 12-month extension options in an estimated amount not to exceed \$81,675 per extension option, for an estimated total contract amount not to exceed \$408,375. Funding in the amount of \$47,644 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining five months of the original contract period and extension options is contingent upon funding in future budgets. Best evaluated bid of nine bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

**The motion authorizing the award and execution of a requirements service contract with Greater Texas Landscape Services was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

15. Authorize award and execution of a 24-month revenue contract with SOLOMON CORPORATION, Solomon, KS for the sale of obsolete transformers with an estimated revenue of \$731,836, with three 12-month extension options with an estimated revenue of \$365,918 per extension option, for a total estimated revenue of \$1,829,590. The total revenue for Fiscal Year 2010-2011 is estimated to be \$182,959. Highest revenue bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.  
**The motion authorizing the award and execution of a revenue contract with Solomon Corporation was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
16. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) cooperative purchasing program with TRANE U.S., INC., La Crosse, WI, for the purchase and installation of a centrifugal chiller at the John Henry Faulk Library in an estimated amount not to exceed \$203,229. Funding is available from the Department of Energy (DOE) as a result of the American Recovery and Reinvestment Act (ARRA) of 2009 for the grant period of December 28, 2009 to December 27, 2012. No match is required. This Cooperative Contract is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Although no goals were established for this solicitation, 0.00% MBE and 20.20% WBE subcontractor participation has been met. Recommended by the Resource Management Commission. To be reviewed by the Electric Utility Commission on February 28, 2011. Related to Item #17.  
**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Trane U.S., Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
17. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with TRANE U.S., INC., La Crosse, WI to purchase and install two cooling towers at the John Henry Faulk Library in an amount not to exceed \$139,692. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Library Department. Cooperative Purchase (TXMAS). This Cooperative Contract is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Although no goals were established for this solicitation, 0.00% MBE and 26.70% WBE subcontractor participation has been met. Related to Item #16.  
**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Trane U.S., Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
18. Authorize award and execution of a 24-month requirements service contract with USIC LOCATING SERVICES, INC., Carmel, IN for underground utility locating services in an estimated amount not to exceed \$713,500 with three 12-month extension options in an amount not to exceed \$356,750 per extension option, for a total contract amount not to exceed \$1,783,750. Funding in the amount of \$208,104 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining 17 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise

Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

**The motion authorizing the award and execution of a requirements service contract with USIC Locating Services, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

19. Authorize award and execution of a 24-month requirements supply contract with J & E COMPANY, Pflugerville, TX for the purchase of epoxy cement manhole seal surface kits for the Austin Water Utility in an estimated amount not to exceed \$52,625, with three 12-month extension options in an estimated amount not to exceed \$26,313 per extension option, for a total estimated contract amount not to exceed \$131,564. Funding in the amount of \$15,349 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Funding for the remaining 17 months of the initial contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by Water and Wastewater Commission.

**The motion authorizing the award and execution of a requirements supply contract with J & E Company was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

20. Approve ratification of a contract with PEABODY GENERAL CONTRACTORS, INC. (WBE/FW), Dripping Springs, TX for the emergency repair of a 24-inch water valve for the Austin Water Utility (AWU) for a total contract amount not to exceed \$72,000. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Emergency Purchase. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Reviewed by the Water and Wastewater Commission.

**The motion to ratify a contract with Peabody General Contractors, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

21. Authorize award and execution of a 36-month requirements service contract with BODY WORKS FITNESS EQUIPMENT, INC., Austin, TX for maintenance and repair of exercise equipment in an estimated amount not to exceed \$145,600, with three 12-month extension options in estimated amounts not to exceed \$69,120 for the first extension option, \$82,944 for the second extension option, and \$99,533 for the third extension option, for a total estimated contract amount not to exceed \$397,197. Funding in the amount of \$23,333 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Fire Department (\$14,583); Parks and Recreation Department (\$5,833); Aviation Department (\$2,917). Funding for the remaining 29 months of the original contract period is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements service contract with Body Works Fitness Equipment, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

22. Authorize award and execution of a 36-month contract with OVERDRIVE, INC., Cleveland, OH, for downloadable materials in amount not to exceed \$450,000, with one 24-month extension option in amount not to exceed \$300,000, for a total contract amount not to exceed \$750,000. Overdrive, Inc. is the sole source provider for these materials. Funding in the amount of \$87,500 is available in the Fiscal Year

2010-2011 Operating Budget of the Austin Public Library Department. Funding for the remaining thirty months of the initial contract period and extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with Overdrive, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

23. Authorize award and execution of a contract through the State of Texas, Comptroller of Public Accounts (CPA) with TOTER INCORPORATED, Statesville, NC for the purchase of residential garbage carts and single-stream recycling carts in an amount not to exceed \$1,117,044.24. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Solid Waste Services Department. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

**The motion authorizing the award and execution of a contract through the State of Texas Comptroller of Public Accounts (CPA) with Toter Incorporated was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

24. Authorize award and execution of a 36-month requirements supply agreement with CENTEX MATERIALS LLC, Austin, Texas, for flexible base for the Watershed Protection Department in an estimated amount not to exceed \$75,000, with three 12-month extension options in an amount not to exceed \$25,000 per extension option, for a total estimated contract amount not to exceed \$150,000. Funding in the amount of \$16,667 is available in the Fiscal Year 2011 approved Operating Budget of the Watershed Protection Department. Funding for the remaining 28 months of the original contract period and for the extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply agreement with Centex Materials LLC was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Item 25 was pulled for discussion.**

26. Approve an ordinance authorizing execution of an Advance Funding Agreement between the City of Austin and the Texas Department of Transportation (TxDOT) for award of \$415,971 in Federal Earmark funding from the ITS Deployment Program, for the procurement and implementation of a citywide Advanced Transportation Management System (ATMS); accepting grant funds in the amount of \$415,971 from TxDOT; amending the Fiscal Year 2010-2011 Austin Transportation Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to appropriate \$415,971 in Federal Earmark Funds; and amending the Fiscal Year 2010-2011 Austin Transportation Department Capital Budget of Ordinance No. 20100913-003 to transfer in \$415,971 from the Austin Transportation Department Operating Budget Special Revenue Fund for Traffic Signals. The total grant amount of \$415,971 will be provided by the Texas Department of Transportation (TxDOT). The required \$415,971 local match and \$20,000 administrative costs are available in the Fiscal Year 2010-2011 Capital Budget of the Transportation Department. The General Fund will not be required to contribute to this grant.

**Ordinance No. 20110303-026 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

27. Authorize issuance of a street closure permit under City Code Chapter 14-8 for the fee-paid Art City Austin Festival event which is to be held on Saturday, April 2, 2011 from 10:00 a.m. to 6:00 p.m. and Sunday, April 3, 2010 from 11:00 a.m. to 6:00 p.m.  
**The motion authorizing the issuance of a street closure permit for the fee-paid Art City Austin Festival event was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
28. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
**The following waiver was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

#### Nominations

**There are no nominations scheduled for today.**

#### Waivers

##### Solid Waste Advisory Commission

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Fayeze Kazi's service on the Solid Waste Advisory Commission. The waiver includes absences through today's date.

**Item 29 was pulled for discussion.**

30. Approve a resolution authorizing the waiver of certain fees and requirements under City Code Chapter 14-8 and authorize payment of certain costs for the City co-sponsored 2011 South by Southwest Conferences and Festivals, to be held March 11-20, 2011. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Sheryl Cole)  
**Resolution No. 20110303-030 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Items 31 and 32 were pulled for discussion.**

33. Approve a resolution directing the City Manager to work with Travis County and other regional partners toward a memorandum of understanding regarding educational programs and enforcement procedures of city and state anti-idling laws. (Council Member Chris Riley Mayor Lee Leffingwell )  
**Resolution No. 20110303-033 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Items 34 through 36 were pulled for discussion.**

37. Authorize the reimbursement of certain fees for the Marathon Kids Austin Final Mile 2011 event which was held on Saturday, February 26, 2011 at Toney Burger Stadium. (Mayor Lee Leffingwell Council Member Laura Morrison Council Member Randi Shade)  
**The motion authorizing the reimbursement of certain fees for the Marathon Kids Austin Final Mile 2011 event was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**
38. Approve the waiver of certain fees and requirements for the 13th annual Mighty Texas Dog Walk which is to be held on Saturday, April 2, 2011 at Waterloo Park. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Laura Morrison)

**The motion to approve the waiver of certain fees and requirements for the 13<sup>th</sup> annual Mighty Texas Dog Walk was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

39. Approve the waiver of certain fees and requirements for the Vestido Rojo Health Education Workshop sponsored by the American Heart Association which is to be held on Saturday, April 30, 2011 at the Emma S. Barrientos Mexican American Cultural Center. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell Council Member Laura Morrison)

**The motion to approve the waiver of certain fees and requirements for the Vestido Rojo Health Education Workshop sponsored by the American Heart Association was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

**Item 40 was pulled for discussion.**

41. Approve the waiver of certain fees and deposit requirements for the 2011 Bengali New Year Festival which is to be held Saturday, April 16, 2011 at Fiesta Gardens. (Council Member Sheryl Cole Mayor Lee Leffingwell Council Member Laura Morrison)

**The motion to approve the waiver of certain fees and deposit requirements for the 2011 Bengali New Year Festival was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

42. Approve the waiver of certain fees for the 2011 Bengali New Year Festival which is to be held Saturday, April 16, 2011 at Fiesta Gardens. (Mayor Pro Tem Mike Martinez Council Member Chris Riley Council Member Randi Shade)

**The motion to approve the waiver of certain fees for the 2011 Bengali New Year Festival was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

Items 43 and 44 were briefing items set for 10:30 a.m.

Items 45 and 46 were Executive Session items.

Items 47 through 59 were zoning items set for 2:00 p.m.

### **DISCUSSION ITEMS**

10. Approve the negotiation and execution of a lease agreement between the City of Austin and Meals on Wheels and More for the lease of two (2) city meal-delivery vehicles to Meals on Wheels and More for the purpose of service and delivery of congregate meals to seven (7) Parks and Recreation Department facilities.

**The motion authorizing the negotiation and execution of a lease agreement between the City of Austin and Meals on Wheels and More was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

11. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and Capital Area Council of Governments ("CAPCOG") for the service and delivery of congregate meals to seven (7) Parks and Recreation Department supported facilities by Meals on Wheels for one term beginning April 1, 2011 and ending September 30, 2011 in a total not to exceed \$145,000 and the option for annual one-year term renewals beginning October 1, 2011 until the contract is terminated by either party, in a per-renewal total not to exceed \$182,000. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Parks and Recreation Department in the amount of \$145,000. The Parks and Recreation

Department will in good faith budget \$182,000 in future fiscal years for annual agreement renewal. Funding for the agreement is contingent upon available funding in future budgets.

**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Capital Area Council of Governments (CAPCOG) was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.**

25. Approve an ordinance amending Title 12-3 of the City Code to extend paid parking hours within the downtown area from 8:00 a.m. to 11:59 p.m. Monday through Saturday and to extend all other paid parking hours to 8:00 a.m. to 6:00 p.m. Monday through Saturday. Reviewed by the Downtown Commission, the Urban Transportation Commission, and the Joint Subcommittee of the Downtown Commission and Urban Transportation Commission.

**There was a motion by Council Member Morrison, seconded by Council Member Spelman to approve the ordinance with the following amendment. The amendment was to have Seventh Street as the line of demarcation, parking north of Seventh Street will be free.**

**There was a substitute motion made by Council Member Cole and seconded by Council Member Shade to approve Ordinance No. 20110303-025 with the following friendly amendments. The motion passed on a 6-1 vote. Council Member Morrison voted nay. Mayor Leffingwell's friendly amendment was direction to staff to conduct an outreach with volunteer groups such as performance venues, art venues, the ARCH, churches, etc. to find a solution between now and the time of implementation. Mayor Pro Tem Martinez's friendly amendment was to include the Rainey Street District (area to the river). The friendly amendments were accepted by the maker of the motion and Council Member Shade who made the second.**

29. Approve an ordinance amending Chapter 9-4, Article 2 of the City Code relating to offenses related to prohibited acts. (Council Member Randi Shade Council Member Laura Morrison Mayor Pro Tem Mike Martinez)

**Ordinance No. 20110303-029 with the following amendments was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

**The amendment was:**

- **Effective date of the ordinance will be May 1, 2011**

**The following direction was given to staff:**

- **Develop standard operating procedures for APD and present to the Public Health and Human Services Committee for discussion purposes prior to the new ordinance going into effect.**
- **Prepare a report six months after the effective date on how the new ordinance and changes are working.**
- **Place an item on the Public Health and Human Services Committee agenda to discuss developing reports on understanding cases under the new ordinance and how they were resolved.**
- **Place an item on the next Public Health and Human Services Committee agenda to discuss additional benches for the downtown area and determine how to take action.**

### CITIZEN COMMUNICATIONS: GENERAL

Babs K. Warren - Poisons in our water (Fluoride, Uranium, and aluminum sprayed on us)

Rae Nadler-Olenick - Water fluoridation

Gavino Fernandez, Jr. - Austin voters support S. B. 380 by Senator Wentworth, calling for the election of city council members with cities of over 500, 000 be under single- members districts

Fidel Acevedo - Support S.B. 380 by Senator Wenworth, The Mexican-American population deserve districts representation. Vamos a Votar! **Not present when name was called.**

Marco de Leon - Get out the Latino vote for the Austin City Council elections of May 14, 2010. Su vote es su Voz!

Frances Martinez - Support S.B. 380, by Senator Wenworth, we deserve districts representation. Ya es tiempo!

Marcelo Tafoya - Get out the Latino vote for the upcoming Austin City Council elections of May 14, 2010. **Not present when name was called.**

Joe Quintero - Support S.B. 380 by Senator Wenworth, for fair representation in Austin, Texas

Paul Hernandez - Support S.B. 380 by Senator Wentworth, calling for the election of city council members in cities with populations of over 500,000 be under single member districts.

Philip Greene - Wasteful spending

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:32 p.m.**

### EXECUTIVE SESSION

**The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.**

46. Discuss legal issues relating to Randall Barnett v. City of Austin, et al., cause no. GN501931; in the 353rd Judicial District Court of Travis County, Texas (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:49 p.m.**

### BRIEFINGS

43. Urban Parks Stakeholder's Update  
**This item was withdrawn without objection.**
44. Briefing on Imagine Austin Comprehensive Plan Preferred Growth Scenario and Plan Framework  
**The presentation was made by Garner Stoll, Assistant Director for Planning and Development Review Department; Judge Cooper, Chair of Citizens Advisory Task Force; Dave Sullivan, Chair of Planning Commission; Greg Claxton, Planner for Planning and Development Review Department; and David Rouse, Principle for Wallace, Roberts & Todd (WRT). Direction was given to staff to prepare the Planning Commission's recommendation for Council consideration during the action at the City Council meeting on March 10, 2011.**

### DISCUSSION ITEMS CONTINUED

31. Approve a resolution directing the City Manager to allocate \$90,500 from the Holly Good Neighbor Program "Cultural Arts Projects" fund and \$35,000 from the Holly Good Neighbor Program "After

School" fund in FY 2010-2011 Austin Energy operating budget to fund various programs. (Mayor Pro Tem Mike Martinez Mayor Lee Leffingwell )

**Resolution No. 20110303-031 was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

32. Approve a resolution directing the Environmental Board and the Zoning & Platting Commission to make a recommendation on extending environmental variances previously approved by Ordinance No. 040513-20 for a project at 10140 and 10300 Old San Antonio Road. (Council Member Randi Shade Mayor Pro Tem Mike Martinez )

**Resolution No. 20110303-032 was approved on Council Member Shade's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.**

34. Approve a resolution directing the City Manager to examine any agreements and contracts regarding the City-County partnership in Project Recovery, identify any contractual changes needed to allow the DACC to make direct referrals to Project Recovery, and consider the potential impacts of any such changes. The City Manager shall report back to Council by April 28, 2011. (Council Member Chris Riley Mayor Lee Leffingwell Council Member William Spelman)

**Resolution No. 20110303-034 was approved on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.**

35. Approve a resolution directing the City Manager to develop and administer a fee waiver program for city-sponsored art projects. Recommended by the Austin Arts Commission. (Council Member Laura Morrison Mayor Pro Tem Mike Martinez )

**Resolution No. 20110303-035 was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.**

36. Approve a resolution endorsing the Austin Independent School District, Travis County, and City of Austin Joint Subcommittee's recommendation for adoption of an Educational Impact Statement and directing the City Manager to take the appropriate actions as necessary to make educational impact assessment a formal process for code amendments, policy proposals, and permitting for development and redevelopment projects. (Council Member Laura Morrison Council Member William Spelman Mayor Lee Leffingwell)

**Resolution No. 20110303-036 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.**

40. Approve the waiver of certain fees and requirements for the HONK!TX event which is to be held March 11-13, 2011 at the Adams-Hemphill Park and Oswaldo A.B. Cantu/Pan American Hillside Stage. (Council Member Chris Riley Mayor Pro Tem Mike Martinez Council Member Laura Morrison)

**The motion to approve the waiver of certain fees and requirements for the Honk!TX event was approved on Council Member Cole's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez was off the dais.**

#### ZONING CONSENT ITEMS (HEARINGS CLOSED)

**The following zoning items were acted on by one motion. No separate action occurred on any of the items.**

47. C814-2008-0145 - The Park PUD - Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 Barton Springs Road (Bouldin Creek Watershed) from commercial-liquor sales - vertical mixed use building - neighborhood plan (CS-1-V-NP) combining district zoning to planned unit development - neighborhood plan (PUD-NP) combining district zoning. First reading approved on January 13, 2010. Vote: 6-1 (Ayes: Mayor Leffingwell and Council Members Martinez, Cole, Riley, Shade and Spelman; Nays: Council Member Morrison ).

Owner/Applicant: Texas American Resources (David Honeycutt) Agent: Drenner & Golden Stuart Wolff, LLP. (Michele Haussmann). City Staff: Clark Patterson, 974-7691.

**Ordinance No. 20110303-047 for planned unit development - neighborhood plan (PUD-NP) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 6-1 vote. Council Member Morrison voted nay. The owner has agreed to comply with the current 2 star green building program.**

48. C14-2010-0174 - Platinum Onion Creek - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11206 South IH-35 Service Road Southbound and 11301 Old San Antonio Road (Onion Creek Watershed) from general commercial services - mixed use - conditional overlay (CS-MU-CO) combining district zoning to multi-family residence low density (MF-2) district zoning with conditions. First Reading approved on January 27, 2011. Vote: 5-0, Mayor Pro Tem Martinez, Council Member Cole off the dais. Second Reading approved on February 17, 2011. Vote: 7-0. Owner/Applicant: Haviland Lake Partners, LP (Jeffrey N. Drinkard). Agent: Smith, Robertson, Elliott, Glen, Klein & Douglas, L.L.P. (David Hartman). City Staff: Wendy Rhoades, 974-7719.

**Ordinance No. 20110303-048 for multi-family residence low density (MF-2) district zoning with conditions was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

#### ZONING CONSENT ITEMS (PUBLIC HEARINGS)

**The following zoning items were acted on by one motion. No separate action occurred on any of the items.**

49. C14-2010-0192 - Martin/Valentine Residence - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8116 Big View Drive (West Bull Creek Watershed) from interim lake austin residence (I-LA) district zoning to single family residence, large lot (SF-1) district zoning. Staff Recommendation: To grant lake austin residence (LA) district zoning. Zoning and Platting Commission Recommendation: To grant lake austin residence (LA) district zoning. Applicant: Bonita Vista Trust (James Valentine, IV). Agent: Land Answers (Jim Whitliff). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent to March 24, 2011 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

50. C14-2010-0202 - Weinstein Property Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 1127 Bastrop Highway Service Road (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning, interim-single family residence standard lot (I-SF-2) district zoning and general commercial services (CS) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services - conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services - conditional overlay (CS-CO) combining district zoning. Owner/Applicant: Jonathan Weinstein. Agent: Holford Group (Charles Dunn). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was closed and Ordinance No. 20110303-050 for general commercial services - conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

51. C14-2010-0203 - Old Bastrop Highway Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 1115 Bastrop Highway Service Road (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning and general commercial services (CS) district zoning to commercial-liquor sales (CS-1) district zoning for Tract 1 and general commercial services (CS) district zoning for Tract 2. Staff

Recommendation: To grant commercial-liquor sales - conditional overlay (CS-1-CO) combining district zoning for Tract 1 and general commercial services - conditional overlay (CS-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales - conditional overlay (CS-1-CO) combining district zoning for Tract 1 and general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 2. Owner/Applicant: Ali Arabzadegan. Agent: Holford Group (Charles Dunn). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was closed and Ordinance No. 20110303-051 for commercial-liquor sales - conditional overlay (CS-1-CO) combining district zoning for Tract 1 and general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 2 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

52. C14-2010-0207 - Robinson Foundation Offices - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 510 West 8th Street from multifamily residence - moderate high density (MF-4) district zoning to downtown mixed use - conditional overlay (DMU-CO) combining district zoning. Staff Recommendation: To approve downtown mixed use - conditional overlay (DMU-CO) combining district zoning. Planning Commission recommendation: To grant indefinite postponement. Applicant: Darnell Robinson Family, LLC (Michael Ginsberg). Agent: AG Consulting (Alice Glasco). City Staff: Stephen Rye 974-7604.

**This item was postponed on consent indefinitely at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)**

53. C14-91-0015(RCA) - Champion Commercial Development - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 5617 FM 2222 (Bull Creek Watershed) to amend a portion of the Restrictive Covenant as it relates to access to the property. Staff Recommendation: To grant an amendment to a portion of a Restrictive Covenant as it relates to access to the property. Zoning and Platting Commission Recommendation: Postponed to March 15, 2011. Applicant: Champion Assets, Ltd. (Josie Champion). Agent: Graves, Dougherty, Hearon & Moody, P.C. (Michael Whellan). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent to March 24, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

54. NPA-2010-0005.03 - McElhenney Tract - Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 530 and 626 Bastrop Highway (Carson Creek Watershed) from Single Family to Commercial land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on April 12, 2011. Applicants/Owners: Jennifer McElhenney-Bertino; Amy Barbee (nee McElhenney); Thomas McElhenney, Jr.; John McElhenney; Ada McElhenney. Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Haussmann). City Staff: Maureen Meredith, 974-2695.

**This item was postponed on consent to May 12, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

55. C14-2010-0138 - McElhenney Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 526 and 626 Bastrop Highway from general commercial services - neighborhood plan (CS-NP) combining district zoning, community commercial - conditional overlay - neighborhood plan (GR-CO-NP) combining district zoning and single family residence - standard lot - neighborhood plan (SF-2-NP) to general commercial services - neighborhood plan (CS-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission recommendation: To be reviewed April 12, 2011. Applicant: Jennifer McElhenney-Bertino; Amy Barbee (nee McElhenney); Thomas McElhenney, Jr.; John McElhenney; Ada

McElhenney. Agent: Drenner and Golden, Stuart, Wolff, LLP (Michele Haussmann). City Staff: Stephen Rye 974-7604.

**This item was postponed on consent to May 12, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

56. NPA-2010-0021.02 - Parker Lane - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055, the East Riverside/Oltorf Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 1406-1506 Parker Lane (Town Lake Watershed) from Single Family to Higher-Density Single Family land use. Staff Recommendation: To grant Higher-Density Single Family land use. Planning Commission Recommendation: To be reviewed on March 8, 2011. Applicants/Owners: J. Ryan Diepenbrock, Michael Hackett, and Bryant Colman. Agent: J. Ryan Diepenbrock. City Staff: Maureen Meredith, 974-2695.

**This item was postponed on consent to March 24, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

57. C14-2010-0140 - Parker Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406-1506 Parker Lane from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence - conditional overlay - neighborhood plan (SF-6-CO-NP) combining district zoning. Staff Recommendation: To approve townhouse and condominium residence -conditional overlay - neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission recommendation: To be reviewed March 8, 2011. Applicant: Ryan Diepenbrock. Agent: Ryan Diepenbrock. City Staff: Stephen Rye 974-7604.

**This item was postponed on consent to March 24, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

58. NPA-2010-0025.01 - Herzog NPA - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 9726 Circle Drive (Williamson Creek and Slaughter Creek Watershed) from Neighborhood Mixed Use to Commercial land use. Staff Recommendation: To grant a change in the future land use designation to Commercial. Planning Commission Recommendation: To grant a change in the future land use designation to Commercial. Vote 9 to 0. Applicant/Owner: RKC Partnership One, L.L.C. (Randy Herzog). Agent: Texas Engineering Solutions, L.L.C. (Hank Smith). City Staff: Maureen Meredith, 974-2695.

**The public hearing was closed and Ordinance No. 20110303-058 to change the land use designation on the future land use map (FLUM) to commercial land use was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

59. C14-2010-0175 - Herzog Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9726 Circle Drive from rural residence neighborhood plan (RR-NP) combining district zoning to warehouse/limited office - conditional overlay - neighborhood plan (W/LO-CO-NP) combining district zoning. Staff Recommendation: To approve warehouse/limited office - conditional overlay - neighborhood plan (W/LO-CO-NP) combining district zoning. Planning Commission recommendation: To approve warehouse/limited office - conditional overlay - neighborhood plan (W/LO-CO-NP) combining district zoning. Applicant: RKC Partnership One, LLC (Randy Herzog). Agent: Texas Engineering Solutions, LLC (Hank Smith). City Staff: Stephen Rye 974-7604.

**The public hearing was closed and Ordinance No. 20110303-059 for warehouse/limited office - conditional overlay - neighborhood plan (W/LO-CO-NP) combining district zoning was approved**

on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 4:03 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 4:10 p.m.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 4:11 p.m.

#### **EXECUTIVE SESSION CONTINUED**

45. Discuss legal issues related to a Texas Open Meetings Act complaint, associated requests made under the Public Information Act, and the retention of records. (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 5:34 p.m.

Mayor Leffingwell adjourned the meeting at 5:35 p.m. without objection.

The minutes for the Regular Meeting of March 3, 2011 were approved on this the 10th day of March 2011 on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

#### **LIVE MUSIC**

Matt the Electrician

#### **PROCLAMATIONS**

Proclamation -- The National Week of Prayer for the Healing of AIDS -- to be presented by Mayor Lee Leffingwell and to be accepted by Sam Price and Pastors of participating churches

Proclamation -- Peace Corps Day (50<sup>th</sup> Anniversary) -- to be presented by Mayor Lee Leffingwell and to be accepted by Chandi Wagner and returned Peace Corps Volunteers

Distinguished Service Awards – EMS Paramedics Gerry Moreau and George Gibbons -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Distinguished Service Award – Bob Guz, Office of the City Clerk – to be presented by Mayor Lee Leffingwell and to be accepted by the honoree.